

CHAPTER 11
PROCEDURE—HEARING BOARD
185—Chapter 11 rescinded IAB 8/18/93, effective 7/29/93.

CHAPTER 12
FORMS
[Prior to 10/8/86, Beer and Liquor Control Department[150]]

185—12.1(123,17A) Purpose and scope. These rules shall govern all forms prescribed by the alcoholic beverages commission for use in proceedings before the division. The division may allow different forms to be utilized in a specific case as necessary.

12.1(1) Forms compliance. All papers filed with the division shall substantially comply with the requirements set forth in this chapter.

12.1(2) General requirements. All papers, except exhibits, shall be cut or folded so as not to exceed 8½ inches by 14 inches in size with inside margins not less than 1-inch in width. Whenever practical, all exhibits of a documentary character should conform to the foregoing requirements of size and margin. Papers should contain the name and address of the party filing the paper and, if represented by an attorney, the name and office address of such attorney. Except as otherwise provided in these rules, the original of all papers and exhibits should be filed with the division. The person filing the paper or exhibit shall also furnish additional copies for each respondent or party to be served by the division and such other copies as the division may request.

This rule is intended to implement Iowa Code section 123.21.

185—12.2(123,17A) Specific forms.

12.2(1) Petition for rule making.

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION

IN RE: (insert present division rule number and short title, if any, or short title of subject for proposed new rule)))))))	DOCKET NO. _____ (completed by the Division) PETITION FOR RULE MAKING
--	----------------------------	---

COMES NOW (insert name of petitioner) and for (insert pronoun) petition states;

1. The text of any proposed rule or amendment, identifying the section or sections of the law or rule involved, or the rule sought to be repealed.
2. The reasons for requesting the action, including any relevant facts, views, data, or arguments.
3. A concise statement of the petitioner's interest in the subject matter.

WHEREFORE, (insert petitioner's name) prays that the division institute rule-making proceeding to (adopt, amend, or repeal) (insert division rule number or the proposed rule) as hereinbefore set forth.

Respectfully submitted,

(Signature of petitioner)
(name, address and zip code)

12.2(2) *Statement of position.*

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION

)	
(insert title of proceeding as set	)	DOCKET NO. (insert docket no.
forth in division order commencing	)	if known)
rule making)	)	STATEMENT OF POSITION
)	

COMES NOW, (insert name of person filing statement) and for (insert pronoun) statement of position submits:

(The statement shall then set forth in an organized manner any data, views, or arguments relevant to the adoption, amendment or repeal of the rule.)

Respectfully submitted,

(Signature)
(name)
(address and zip code)

12.2(3) *Counterstatement of position.*

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION

)	
(insert title of proceeding as set	)	DOCKET NO. (insert docket no.
forth in division order commencing	)	if known)
rule making)	)	COUNTER-STATEMENT OF
	)	POSITION

COMES NOW, (insert name of person filing counterstatement of position) and for (insert pronoun) response to the statement of position of (insert name of person filing statement of position) states:

(The statement shall then set forth in an organized manner a response to any data, views, or arguments set forth in the statement of position)

Respectfully submitted,

(Signature)
(name)
(address and zip code)

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION

(Signatures, addresses and zip codes of 25 interested persons; or signature, address and zip code of head of governmental subdivision, chairperson of the administrative rules review committee, head of an agency or authorized representative of an association having not less than 25 members)

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION

(insert title of proceeding as set forth in division order commencing rule making)	)	DOCKET NO. (insert docket no. if known)
	)	REQUEST FOR STATEMENT

COMES NOW, (insert name of person requesting statement) and for (insert pronoun) request states:
(The request shall then set forth in separately numbered paragraphs:

1. A concise statement that on (insert date) the Division issued an order (adopting, amending or repealing) (insert rule number) (or terminating rule-making proceeding) Docket No. ____ (insert Docket number).

2. A concise statement of the party’s interest in the subject matter.)

WHEREFORE, (insert party’s name) requests the Division to issue a formal statement in support of its decision pursuant to §17A.4(1)(b), the Code 19____.

Respectfully submitted,

(Signature)
(name)
(address and zip code)

12.2(6) *Petition for declaratory ruling.*

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION

)	
IN RE: THE PETITION OF (insert petitioner’s name) FOR A DECLARATORY	)	DOCKET NO.
RULING ON (insert rule number, statute	)	(completed by division)
etc., for which interpretation sought)	)	PETITION FOR DECLARATORY
	)	RULING

COMES NOW, (insert name of petitioner) and requests a declaratory ruling on (state rule number, statute, order, decision, or other written statement of law or policy for which an interpretation is sought), and in support of (insert pronoun) petition states:

The petition shall then set forth in separately numbered paragraphs:

1. A statement of the rule, statute, order or decision upon which a declaratory ruling is sought.
2. A clear, concise, and complete statement of all relevant facts.
3. A clear, concise statement of the question presented in the controversy or of the uncertainty.
4. A clear, concise statement of the interpretation or application, if any, of the rule, statute or decision which the petitioner urges based upon the facts as set forth.)

WHEREFORE, (insert petitioner’s name) prays that the division issue a declaratory ruling on (insert proposed subject of ruling) as hereinbefore set forth.

Respectfully submitted,

(Signature)
(name)
(address and zip code)

12.2(7) Retail bond.

ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer, Ankeny, Iowa 50021

BOND FOR RETAIL: LIQUOR LICENSES, BEER PERMITS, OR WINE PERMITS

Bond No. _____

KNOW ALL BY THESE PRESENTS THAT _____
(Principal)

of, _____ County,
(City and/or County)

State of Iowa, as Principal and _____
(Surety)

of _____,
(City and State)

as Surety, are held firmly bound unto the State of Iowa in the penal sum of \$ _____ lawful money of the United States, for the payment of which, in Des Moines, Polk County, Iowa, we bind ourselves, our successors and our legal representatives jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal has made application for:

- ☐ Class ____ Liquor License; ☐ Class ____ Wine Permit;
☐ Class ____ Beer Permit; ☐ Special Class C Liquor License (Beer and Wine only);

to be issued by the Alcoholic Beverages Division.

NOW THEREFORE, if the Principal shall pay the amount Principal owes the division for writing the division insufficient funds checks for alcoholic beverages and wine as allowed by Iowa Code section 123.24, and shall faithfully observe and obey all other provisions of Iowa Code chapter 123, any amendments thereto, and the division's administrative rules, then this obligation to be void, otherwise to be and remain in full force and effect.

THIS BOND shall be effective on _____, 19____, and shall remain effective continuously without cumulative liability until canceled. This bond may be canceled by the principal or the surety by giving written notice to the other party and the Alcoholic Beverages Division at its office in Ankeny, Iowa, stating the date of cancellation, which in no event shall be less than thirty days after actual receipt of notice; however, no cancellation shall be effective as to forfeiture in the event proceedings for the revocation of the principal's liquor control license or beer permit have been or are commenced prior to the effective date of cancellation.

☐ The Alcoholic Beverages Division by acceptance of this replacement bond gives notice to the Surety canceling prior bond(s) No.(s) _____, termination to be effective as of the time this bond becomes effective.

Signed this _____ day of _____, 19____.

Countersigned _____
(Iowa Resident Agent)

(Principal)

(Principal)

(Surety)

By: _____
(Attorney-in-Fact)

12.2(8) Bond for three wholesalers' permits.

ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer, Ankeny, Iowa 50021

Bond No. _____

The bond being issued is a:

- ☐ Class "A" beer permit (beer wholesale only)
- ☐ Class "A" wine permit (wine wholesale only)
- ☐ Class "F" beer permit (beer and wine wholesale)

KNOW ALL BY THESE PRESENTS THAT _____
(Principal)

of, _____ County,
(City and/or County)

State of Iowa, as Principal, and _____
(Surety)

of _____,
(City and State)

as Surety, are firmly bound unto the State of Iowa in the penal sum of:
FIVE THOUSAND AND NO/100 DOLLARS if issued for a CLASS "A" BEER PERMIT (beer
wholesale only) or for a CLASS "A" WINE PERMIT (wine wholesale only)

OR

TEN THOUSAND AND NO/100 DOLLARS if issued for a CLASS "F" BEER PERMIT (beer and
wine wholesale)

lawful money of the United States, for the payment of which we bind ourselves, our successors and our
legal representatives jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal has made applica-
tion for either a class "A" beer permit, class "A" wine permit, or a class "F" beer permit to be issued by
the Alcoholic Beverages Division.

NOW THEREFORE, if the Principal shall faithfully observe and obey all of the provisions of Iowa
Code chapter 123, any amendments thereto, and the division's administrative rules, then this obliga-
tion to be void, otherwise to be and remain in full force and effect.

THE SURETY on the bond of any permittee whose permit has been issued by the Alcoholic Beverages
Division may at any time notify the Principal and the Alcoholic Beverages Division that the surety
desires after a date named, which shall be at least thirty days after the receipt of notification, to be re-
lieved of liability on the bond, shall be terminated and canceled on the date specified, unless supported
by other sufficient bond, or bonds, and the Surety shall be relieved of all future liability after the date
specified in the notice of cancellation.

THIS BOND shall be effective on _____, 19____, and shall remain ef-
fective continuously without cumulative liability until canceled.

SIGNED THIS _____ DAY OF _____, 19____.

(Principal)

(Surety)

12.2(9) Surety change rider.**Surety Change Rider**

It is hereby understood and agreed that Bond Number _____, issued by
 _____ to _____, effective
 (Surety Company) (Principal)
 _____ is amended as follows:
 (Effective date of bond)

Class of license is changed from _____ to _____

Amount of Bond is changed from _____ to _____

Provided, however, that the bond shall be subject to all its agreements, limitations and conditions except as herein expressly modified, and further that this bond and all riders attached thereto, including this rider, shall not be cumulative, and when loss shall occur under this bond during a time within which the penalty of the bond shall vary, then the aggregate liability of the Surety shall in no event exceed the largest penalty of this bond in force during the period of time within which such loss shall occur under this bond.

This rider shall become effective as of the _____ day of _____, 19____.
 Signed, sealed, and dated this _____ day of _____, 19____.

 Principal

 Surety Company

Countersigned

By: _____
 Resident Agent

By: _____
 Attorney-in-fact

12.2(10) Bond for manufacturer's license in Iowa Code section 123.41.

**ALCOHOLIC BEVERAGES DIVISION
 MANUFACTURER'S LICENSE BOND**

KNOW ALL BY THESE PRESENTS:

That we, the _____ of _____, Iowa, as Principal
 and _____ of _____, as surety, are held and firmly bound unto the
 STATE OF IOWA, and the ALCOHOLIC BEVERAGES DIVISION and each of them jointly, or severally, in the penal sum of FIVE THOUSAND DOLLARS (\$5,000.00) for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the said _____ of _____ has made
 application under Iowa Code section 123.41 for a Manufacturer's license allowing the manufacture,
 storage and wholesale disposition and sale of alcoholic liquor to the Alcoholic Beverages Division and
 to customers outside of the state.

Now, therefore, if licensee shall faithfully and fully abide by and keep and perform each and every provision of Iowa Code chapter 123, so far as it applies to the licensee during the period for which license shall be granted, then this bond shall be of no further force or effect; otherwise, it shall remain in full force and effect and the penalty shall become payable to Alcoholic Beverages Division at Ankeny, Iowa, upon demand and equity jurisdiction is hereby consented to for the enforcement hereof.

Second, to fix and determine liability of both the principal and surety upon this bond for the full amount it shall be necessary only to prove by a fair preponderance of the evidence that licensee has violated one or more of the rules and regulations adopted by the Alcoholic Beverages Division and in force when such act or acts shall have been committed.

Third, it is specifically conditioned by the surety that it may, at anytime, on giving of sixty (60) days' notice in writing to the Alcoholic Beverages Division of a desire to be relieved from further responsibility under this bond, terminate its further responsibility for any act committed by the principal subsequent to sixty (60) days from the receipt of notice by the Alcoholic Beverages Division.

Executed this _____ day of _____, 19____, at _____.
This bond shall be effective for a one (1) year term beginning _____, 19____, and expiring _____, 19____.

(Principal)

BY: _____

SURETY _____

BY: _____

12.2(11) Bond for wholesaler's license in Iowa Code section 123.42.

**ALCOHOLIC BEVERAGES DIVISION
WHOLESALER'S LICENSE BOND**

KNOW BY ALL THESE PRESENTS:

That we, the _____ of _____, Iowa, as Principal and _____ of _____ as surety, are held and firmly bound unto the STATE OF IOWA, and the ALCOHOLIC BEVERAGES DIVISION and each of them jointly, or severally, in the penal sum of ONE THOUSAND DOLLARS (\$1,000.00) for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the said _____ of _____ has made application under Iowa Code section 123.42 for a Wholesaler's license allowing the storage and wholesale disposition and sale of alcoholic liquor to the Alcoholic Beverages Division and to customers outside of the state.

Now, therefore, if licensee shall faithfully and fully abide by and keep and perform each and every provision of Iowa Code chapter 123, so far as it applies to the licensee during the period for which license shall be granted, then this bond shall be of no further force or effect; otherwise, it shall remain in full force and effect and the penalty shall become payable to Alcoholic Beverages Division at Ankeny, Iowa, upon demand and equity jurisdiction is hereby consented to for the enforcement hereof.

Second, to fix and determine liability of both the principal and surety upon this bond for the full amount it shall be necessary only to prove by a fair preponderance of the evidence that licensee has violated one or more of the rules and regulations adopted by the Alcoholic Beverages Division and in force when such act or acts shall have been committed.

Third, it is specifically conditioned by the surety that it may, at any time, on giving of sixty (60) days' notice in writing to the Alcoholic Beverages Division of a desire to be relieved from further responsibility under this bond, terminate its further responsibility for any act committed by the principal subsequent to sixty (60) days from the receipt of notice by the Alcoholic Beverages Division.

Executed this _____ day of _____, 19____, at _____.
This bond shall be effective for a one (1) year term beginning _____, 19____,
and expiring _____, 19____.

(Principal)

BY: _____

SURETY _____

BY: _____

12.2(12) Certification of dramshop liability.

STATE OF IOWA

ALCOHOLIC BEVERAGES DIVISION
LIQUOR CONTROL LICENSE
DRAMSHOP LIABILITY CERTIFICATE OF INSURANCE

Filed with
ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer
Ankeny, Iowa 50021

(Execute in Duplicate)

THIS IS TO CERTIFY, that the _____

(Name of Company)

(hereinafter called Company) of _____

(Home office address of Company)

has issued to _____ of _____

(Name of Assured)

_____, Policy no. _____

(Address of Assured)

effective _____ to _____.

The policy of insurance herein described contains coverage to comply with the provisions of section 123.92 and all regulation of the Alcoholic Beverages Division promulgated thereunder.

The policy described herein may be canceled by the Company or the Assured giving 30 days' notice in writing to the Alcoholic Beverages Division at its office, 1918 S.E. Hulsizer, Ankeny, Iowa 50021,

said 30 days' notice to commence to run from date notice is actually received at the office of the division.

Whenever requested by the division, the company agrees to furnish to the division a duplicate original of said policy and all endorsements thereon.

Countersigned at _____ this _____ day
of _____, 19____.

(Authorized Company Representative)

Iowa Resident Agent

12.2(13). *Hearing complaint.*

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer
Ankeny, Iowa 50021

IN RE: _____) Date _____, 19____
(insert the name of the _____)
licensee, trade name of the _____)
establishment and address) _____)
_____) HEARING COMPLAINT
Liquor Control License no. _____)
Beer Permit no. _____)
_____)

Complaint is hereby made that on _____,
at _____, Iowa, the above named licensee/permittee did, or by an agent,
clerk, or employee, violate section _____ of the Code of Iowa, or violate rule no.
_____ of the Alcoholic Beverages Division.

TO WIT:
(insert the code or rule violation)

WHEREFORE, it is requested that the administrator of the Alcoholic Beverages Division hear the proceeding in accordance with the law and regulations.

Complainant Authority

By _____

List of Witnesses;
(insert names and addresses of witnesses)

12.2(14) *Appeal to hearing board.* Rescinded IAB 8/18/93, effective 7/29/93.

These rules are intended to implement Iowa Code sections 123.21(4), 123.21(12), 123.30, 123.41, 123.42, 123.125 and 123.127.

[Filed without Notice 7/6/79—published 7/25/79, effective 8/29/79]

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*Effective date of 12.2(7) delayed seventy days by the Administrative Rules Review Committee on 6/11/85.